



ipid

Department:
Independent Police Investigative Directorate
REPUBLIC OF SOUTH AFRICA

MEMORANDUM

TO : THE EXECUTIVE DIRECTOR: MR ROBERT MCBRIDE

FROM : AMAR MAHARAJ: MANAGER ETHICS AND RISK MANAGEMENT

DATE : 17 OCTOBER 2014

SUBJECT : SUMMARY REPORT ON PROVINCIAL VISIT: KZN

1. PURPOSE:

To provide the Executive Director with a written report on the summary findings of the Ethics Climate Survey conducted on 06 October 2014 in Durban and at Empangeni on 08 October 2014. Oral reports were presented to the Executive Director at meetings held on 06 October 2014 and 08 October 2014 respectively.

2. SUMMARY FINDINGS OF ETHICS CLIMATE SURVEY

a) Organisational Values

Investigators were able to identify the IPID Values and acknowledged the Value of Integrity in pursuing the mandate of the IPID. On the issue of Mutual Respect and Trust, Investigators reported that their concerns and complaints on Investigations, are not taken seriously – and more especially at the last Investigator Conference.

Investigators reported that they are placed in an ethical dilemma when they have to 'complete' cases (without proper investigation) to achieve targets. The file is then set aside whilst they move on to 'complete' new cases. Investigators complained that as the month goes on the resolve to 'complete' more cases becomes greater.

Investigators reported that, 'the people who are evaluating you ask you to 'complete cases'.

b) Investigations

- (I) Investigators reported that the integrity of investigations are compromised when cases, including cases of murder, torture and assault, are 'completed' without proper investigation, for the purpose of achieving targets and reporting statistics to National Office.
- (II) Investigators complained that the IPID is reactive and does not play a proactive role in dealing with assaults and torture. It was reported that, "we wait for complaints but are not profiling and analyzing what is happening".
- (III) It was reported that the current 'Crime Scene Report' should be reviewed and revised as certain elements within the Report are not relevant, for example. Post Mortem Data, Family Liaison etc.
- (IV) Internal systems are not adequate to record and track cases. It was reported that Supervisors do not know how many cases are in the hands of their subordinates at any given time. When a query is received, files have to be physically searched for.
- (V) Investigators were of the view that some of their colleagues are not appropriately trained to perform their functions.
- (VI) It was reported that Management "chases to make a file go from active to completed" without a proper investigation taking place. It was also reported that from a performance perspective, the IPID way is "the more cases you "complete" the harder it seems that you work." (When in fact, the converse is true. The more cases recorded as 'completed', literally indicates poor performance in terms of solid investigations.) Investigators reported that they are aware that when cases are 'completed' without proper investigations- Justice is not being dispensed.
- (VII) An Investigator reported that "the people who are evaluating you ask you to 'complete' cases to make targets. He reported, "In a murder case where you may need five or six statements... you obtain three statements and the PH wants you to 'complete' the case. More enquiries could be done but the case is completed. It could have been a solid murder case that could have resulted in a conviction. The focus then shifts to new cases for 'completion'.
- (VIII) Investigators reported that often Post Mortem reports are not collected.
- (IX) Investigators reported that they are placed in a moral dilemma when cases are 'completed' and the "family makes enquiries and want to know when is the court date etc.?" However, from an IPID perspective the matter is finalized.
- (X) Investigators reported that often Murder, Torture and Rape cases never get to the DPP. Or may have DPP queries that are not attended to.
- (XI) Investigators questioned the IPID internal policy to 'complete' cases and cited the way SAPS functions. It was reported that at SAPS a case is only completed once it goes to court or the complainant withdraws the matter. Investigators reported that the way the IPID currently operates is opposite to established principles of Human Rights and Justice.
- (XII) An Investigator reported that some offices have over 200 files that have been 'completed' and not properly investigated.
- (XIII) Investigators reported that the system of 'completing' cases was designed to generate stats and it ultimately defeats the ends of justice. An Investigator reported his frustration at having to 'complete' cases, and stated that "a task is only completed when it is finished".
- (XIV) An investigator reported that the current IPID system of 'completing' files is a "dereliction of duty and a deviation from the mandate of the IPID". He reported that "SAPS members are literally getting away with murder, assault and torture. He further stated that, "we are asked to take the files to the DPP just to get a signature, and the file is completed".

Kind regards,

Amar Maharaj

RANK: Deputy Director- Ethics and Risk Management

DATE: 17 October 2014

COMMENTS:_____

NAME: MR R J MCBRIDE

DESIGNATION: EXECUTIVE DIRECTOR

DATE: _____